

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES – GENERAL**

Case No. 8:24-cv-00592-CJC-KES

Date May 7, 2024

Title John Lee v. AP American Tire Depot, Inc. et al

PRESENT: **HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal

Deputy Clerk

Not Reported

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING ACTION FOR LACK OF PROSECUTION**

It is a plaintiff's responsibility to prosecute the action diligently and respond promptly to Court orders. The Court's Order Regarding Prosecution of Certain Cases Under the Americans with Disabilities Act states that "a request for default must be filed no later than **5 days after the time the response to the complaint would have been due.**" (Dkt. 8 [hereinafter the "Order"] at 2 [emphasis in original].) The Order further admonishes that "failure to comply with this Order in a particular case will result in a dismissal for lack of prosecution." (*Id.* at 3.)

In this case, Plaintiff served Defendants on April 9, 2024. (Dkt. 13.) Defendants' answer was therefore due on or before April 30, 2024. (*Id.*) Although more than 5 days have passed since that date, Defendants have not responded to the Complaint and Plaintiff has not filed a request for default. The Court therefore **DISMISSES** this action for lack of prosecution.

Initials of Deputy Clerk:

rrp